

YEAS—16.

Buchanan,
Cooper,
Evans,
Farrar,
Fleming,
Getzendaner,

Gooch,
Harris,
King,
Martin,
Matlock,

Peacock,
Perry,
Shannon,
Terrell,
Traylor.

NAYS—8.

Chesley,
Davis,
Fowler,

Johnson of Collin,
Jones,
Kleberg,

Patton,
Pfeuffer.

Senator Terrell assigns the following reasons for his vote on the adoption of the above report:

I vote "aye," though I again state that I am opposed to all Sunday laws. Since the present law is to be continued it should be uniform in its operation, and the committee report does permit acts which custom has made necessary to comfort, which were forbidden by former law.

TERRELL.

Senator Traylor moved to adjourn till 9 o'clock to-morrow morning.

Senator Martin moved to adjourn till 9:30 to-morrow morning.

Motion lost.

Senator Traylor's motion to adjourn till 9 o'clock was adopted, and the Senate adjourned.

SEVENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 7, 1883.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Harris moved to postpone the executive session, and proceed with the regular order of business.

Adopted.

Senator Chesley moved to suspend the regular order of business and take up House bill No. 151, a bill to amend the game law of the State.

Senate refused to suspend.

Senator Gooch moved to postpone substitute House bill No. 101, etc., "Amendment to the school law, raising the pay of teachers," etc.

Adopted, and bill taken up and made special order for Monday after morning call.

Senator Pfeuffer, chairman of conference committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. B. Gibson, Speaker of the House of Representatives:

Your conference committee, composed of members of the Senate and House of Representatives, appointed and selected to adjust the differences between the two houses of the Eighteenth Legislature, arising under the consideration of substitute for House bill No. 394, the same being the general appropriation bill, beg leave to report that they have met together as a conference committee, and find that certain changes in the verbiage of the bill are necessary, which, as a conference committee, your committee cannot correct; therefore your conference committee respectfully asks that it be granted free conference powers, and be constituted a free conference committee.

All of which is respectfully submitted.

GEO. PFEUFFER,
JOHN C. BUCHANAN,
A. W. HOUSTON,
Senate Committee.
W. F. UPTON,
JOHN H. COCHRAN,
J. P. AYRES,
B. F. FRYMTER,
WALTER ACKER,
House Committee.

Senator Shannon moved that committee be granted free conference powers.

Adopted.

Substitute House bill No. 225, "An act to further provide for the regulation of railroads and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State engineer and his secretary, and their salaries and duties," etc., was taken up and read second time.

Senator Harris offered the following amendment:

Strike out "four dollars," and insert "two dollars," in line 5, section 2.

Senator Jones moved the previous question on the amendment of Senator Harris, and the engrossment of the bill.

Motion seconded, and main question ordered.

Senator Harris' amendment lost by the following vote:

YEAS—4.

Farrar,
Harris,

Johnson of Collin,

Traylor.

NAYS—23.

Buchanan,
Chesley,
Davis,
Evans,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Houston,
Johnson of Shelby,
Jones,
King,
Kleberg,
Martin,
Matlock,

Peacock,
Perry,
Pfeuffer,
Pope,
Shannon,
Stratton,
Terrell.

Bill passed to its third reading.

Senator Shannon moved to suspend the constitutional rule and place bill on its third reading.

Rule suspended by the following vote:

YEAS—24.

Buchanan,
Chesley,
Davis,
Evans,
Farrar,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Houston,
Johnson of Collin,
Johnson of Shelby,
Jones,
Kleberg,
Martin,
Matlock,

Peacock,
Perry,
Pfeuffer,
Pope,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—1.

Harris.

Bill read third time.

Senator Harris offered the following amendment:

Strike out the first proviso in section 9.

Lost by the following vote:

YEAS—3.

Harris,

Peacock,

Traylor.

NAYS—25.

Buchanan,
Chesley,
Davis,
Evans,
Farrar,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Houston,
Johnson of Collin,
Johnson of Shelby,
Jones,
King,
Kleberg,
Martin,

Matlock,
Patton,
Perry,
Pfeuffer,
Pope,
Shannon,
Stratton,
Terrell.

Substitute House bill No. 225 passed by the following vote:

YEAS—27.

Buchanan,
Chesley,
Davis,
Evans,
Farrar,
Fleming,
Fowler,
Getzendaner,
Gibbs,

Gooch,
Houston,
Johnson of Collin,
Johnson of Shelby,
Jones,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Pope,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—1.

Harris.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, April 7, 1883.

Mr. President:

I am instructed to inform your honorable body that the House of Representatives has adopted the report of the conference committee on House bill No. 34, "An act to amend article 186 of the Penal Code, known as the 'Sunday law,'" also, the report of the conference committee on substitute House bill No. 521, "An act to amend article 4462 of the Revised Civil Statutes of the State of Texas;" also, that the House has adopted the report of and acceded to the request of the conference committee on substitute House bill No. 394 (the general appropriation), and that the following named members have been appointed on said free conference committee, viz.: Messrs. Upton, Frymier, Cochran, Ayres and Acker.

J. W. BOOTH,
Chief Clerk.

Senate joint resolution No. 39, "Amending section 20, of article 16, of the Constitution of this State," was taken up in regular order.

Pending its consideration, the hour having arrived, the Senate went into executive session.

IN SENATE.

On motion of Senator Gooch it was ordered that the results of the executive session were ordered spread upon the journal, and that the Governor be informed of the same.

The Senate advises and consents to the appointment of John B. Lubbock to be Fish Commissioner.

And refuses to advise and consent to the appointment of J. L. White to be notary public of Collin county.

On motion of Senator Traylor, Senate bill No. 342, "An act providing for adjusting and settling outstanding land certificates," was taken up out of its regular order, read third time, and passed.

On motion of Senator Peacock, House bill No. 527, "An act to repeal 'an act prescribing the place for the sale of property under legal process and deeds of trust in Marion county,' approved January 25, 1875," was taken up out of its regular order, read second time, and passed to third reading.

On motion of Senator Peacock, rules were suspended to put bill on its third reading by the following vote:

YEAS—21.

Chesley,	Gibbs,	Matlock,
Davis,	Gooch,	Patton,
Evans,	Harris,	Peacock,
Farrar,	Johnson of Collin,	Perry,
Fleming,	King,	Pope,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Chesley,	Gooch,	Patton,
Davis,	Harris,	Peacock,
Evans,	Johnson of Collin,	Perry,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—1.

Pope.

On motion of Senator Johnson of Collin, House bill No. 282, "An act to establish uniform weights per bushel of wheat, corn and other products of the State," was taken up, read second time, committee amendments adopted, and bill passed to third reading.

On motion of Senator Gibbs, House bill No. 485, "An act for the relief of Alosey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the Dawson massacre, by granting to each one of them twelve hundred and eighty acres of land," was taken up in its regular order, read third time and passed.

On motion of Senator Patton, House bill No. 443, "An act for the relief of the heirs of John W. Thomson, who fell at the storming of the Alamo, on the sixth day of March, 1836," was taken up in its regular order and read second time.

Senator Johnson of Collin moved to excuse Senator Jones one week from Monday.

Adopted.

Senator Traylor moved to excuse Senator Harris indefinitely, after to-day.

Adopted.

Senator Davis offered the following amendment to House bill No. 443:

Amend by adding "said certificates can only be located on unappropriated vacant public domain, and the State is to be in no manner liable if there is not vacant land upon which said certificates can be located."

Adopted by the following vote:

YEAS—16.

Chesley,	Harris,	Perry,
Davis,	Johnson of Collin,	Shannon,
Farrar,	King,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

NAYS—3.

Fleming,	Kleberg,	Patton,
Jones,	Matlock,	Pope.

Bill passed to third reading.

On motion of Senator Gibbs, Senator Cooper was excused for to-day, on account of important business.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 33, being a joint resolution proposing an amendment to article 5 of the State Constitution, diminishing the number of terms of county courts, and find the same correctly engrossed.

MARTIN, Chairman.

COMMITTEE ROOM,
AUSTIN, April 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 305, being "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas' by adding thereto article 4420a," and find the same correctly engrossed.

MARTIN, Chairman.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, April 7, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has concurred in Senate amendments to House bill No. 520, "An act to create certain land districts."

J. W. BOOTH,

Chief Clerk House of Representatives.

Senator Johnston of Shelby moved to suspend the regular order of business and take up Senate bill 110, "An act to amend article 262, section 6, of the Penal Code of the State of Texas."

Adopted, and bill taken up, read second time, and,

On motion of Senator Johnston of Shelby was indefinitely postponed.

The President signed substitute House bill No. 288, "An act to amend article 2403, chapter 3, title 43, of the Revised Civil Statutes of the State of Texas."

Senator Matlock moved to suspend the regular order of business and take up House bill No. 395, "An act to grant Fannie A. Darden, sole heir of Mosely Baker, deceased, a

league and labor of land in lieu of the headright certificate granted her father by the Republic of Texas."

Adopted, and bill taken up and read second time.

Senator Davis offered the following amendment:

Amend by adding another section as follows:

SECTION —. The civil certificate can only be located upon vacant and unappropriated vacant public domain, and the State is to be in no manner liable in case the certificate is not located on vacant land.

Adopted.

Senator Patton offered the following amendment:

SECTION —. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Adopted.

Senator Terrell offered the following amendment:

Add to section 1, "provided, that this act shall not be construed to bind the State, should no vacant land be found, which should be located on the face of the certificate."

Adopted, and bill passed to its third reading.

Senator Matlock moved to suspend the constitutional rule to read bill third time.

Adopted by the following vote:

YEAS—20.

Chesley,	Gooch,	Matlock,
Evans,	Harris,	Patton,
Farrar,	Johnson of Collin,	Peacock,
Fleming,	Johnston of Shelby,	Pope,
Fowler,	Jones,	Terrell,
Getzendauer,	King,	Traylor.
Gibbs,	Kleberg,	

NAYS—3.

Davis,	Perry,	Shannon.
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Bill read third time and passed.

On motion of Senator Gooch, Senate joint resolution No. 33, "Joint resolution proposing an amendment to article 5 of the State Constitution, diminishing the number of terms of county courts," was taken up in regular order.

Read the third time, and passed by the following vote:

YEAS—22.

Chesley,	Gooch,	Martin,
Davis,	Harris,	Matlock,
Evans,	Johnson of Collin,	Patton,
Farrar,	Johnston of Shelby,	Peacock,
Fleming,	Jones,	Perry,
Fowler,	King,	Shannon,
Getzendauer,	Kleberg,	Traylor.
Gibbs,		

NAYS—none.

Senate joint resolution No. 39, "Amending section 20, of article 16, of the Constitution of this State," was taken up in its regular order and read third time.

Senator Davis moved the previous question.

Motion seconded and main question ordered.

Resolution lost by the following vote:

YEAS—10.

Davis,	Harris,	Peacock,
Evans,	Johnston of Shelby,	Perry,
Farrar,	King,	Shannon,
Fleming,	Martin,	Terrell,
Getzendauer,	Matlock,	Traylor.
Gooch,		

NAYS—7.

Chesley,	Johnson of Collin,	Kleberg,
Fowler,	Jones,	Patton.
Gibbs,		

It requiring a two-third vote of the Senate to pass.

Senator Traylor moved to suspend the regular order of business and take up Senate bill No. 31, "An act creating,

establishing and directing the laying out certain roads as first class roads, and fixing a penalty for obstructing the same."

Adopted, and bill taken up, read second time, with committee amendments, and amendments of committee adopted.

Senator Patton offered the following amendment:

Amend by adding to bill the following section:

SECTION —. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so suspended.

Adopted.

Senator Kleberg offered the following amendment:

Amend by excepting the counties in the twenty-sixth senatorial district.

Senator Johnson of Collin offered the following amendment:

Add to the excepted counties Collin county.

Accepted.

Senator Perry offered the following amendment:

Amend by excepting the counties composing the fourteenth senatorial district.

Accepted.

Senator Chesley offered the following amendment:

Add to the amendment the counties of Austin, Burleson, Fort Bend, Waller and Washington; also, the twenty-fifth senatorial district.

Accepted.

Senator Farrar offered the following amendment:

Amend by including the counties of Limestone, Freestone and Navarro.

Accepted.

On motion of Senator Patton, the further consideration of the bill was indefinitely postponed.

The President gave notice of signing House bill No. 543, "An act to authorize cities on the coast of Texas having a population of over twenty thousand inhabitants, to issue bonds for harbor improvements, and to levy a tax to pay for the same."

Also, House bill No. 520, "An act to create the land districts of Wheeler, Oldham, Donley and Wilbarger counties."

On motion of Senator Matlock, the Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

On motion of Senator Davis, Senator Evans was excused from 10 o'clock on Wednesday next, indefinitely.

A message was received from the House informing the Senate of the passage by that body of House substitute for Senate bill No. 189, "An act to provide for the permanent endowment, in land or its proceeds, the University of Texas and its branches, including the branch for the instruction of colored youths, and also to provide for an equal endowment for the benefit of the permanent common free schools of this State."

Senator Gooch, chairman of Senate free conference committee on (land bill), submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate:

Your free conference committee have had under consideration the difference between the Senate and House on Senate bill No. 269, entitled "An act to provide for the classification, sale and lease

of the lands heretofore surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds," and unanimously recommend the following action by the two houses:

1. We recommend that the Senate concur in the first House amendment, which relates to the classification of lands.

2. We recommend the following substitute be adopted in lieu of section 5 of the bill and the House substitute for said section 5, viz.:

SEC. 5. Any actual settler upon any land included in this act who is now and was an actual settler in good faith on the first day of January, A. D. 1883, shall have the right, for a period of six months from the time the land shall be placed upon the market for sale, to purchase not less than 160 acres nor more than 640 acres of the land so settled upon, at the minimum price fixed by this act, and on the terms and rate of interest fixed by this act; provided, however, that any actual settler in good faith upon any lands in any county which have been appraised by the proper surveyor, and such appraisement has been approved by the commissioners' court of the proper county, in accordance with the provisions of sections 2 and 3 of the act approved April 6, A. D. 1881, concerning the sale of alternate sections of school lands in organized and unorganized counties of this State, and such appraisement has been filed in the General Land Office, but which lands have or have not been placed upon the market under such appraisement, shall be permitted to purchase less than 160 acres (unless there is a fraction of less than 160 acres now existing), nor more than 640 acres of the land upon which they have settled (to include their improvements), at the price per acre fixed by such appraisement; but shall be required to pay the rate of eight per cent interest, as fixed by said act of April 6, A. D. 1881, and shall be permitted to pay all or any part of the purchase money thereof at any time. Such purchaser shall, in all other respects, conform to the provisions of this act; provided, however, that any such person desiring to purchase any of said lands so appraised, shall, within six months from the time this act takes effect, file in the General Land Office his application to purchase said land, describing it, and on payment of one thirtieth of the purchase money, and one year's interest, and forwarding his affidavit stating that he is and was, on the first day of January, A. D. 1883, an actual settler in good faith upon said land, and that he settled on it with a view to purchase it, together with the affidavit of at least two credible citizens of his county, showing that such applicant is and was a settler in good faith upon said land; provided however, that such land having timber thereon suitable for lumber or shingles, and chiefly valuable on that account, shall be sold for cash only, and may be purchased in quantities of not less than 80 acres nor more than 320 acres; and provided further, that other timbered lands may be purchased at two dollars per acre; and provided further, that no preference in the right of purchase given by this or any other section of this bill shall extend to or include any minerals, but the same shall remain the property of the respective funds to which said lands belong.

3. That the Senate concur in the third House amendment, which is a substitute for section 6 of the bill, after amending it so as to read as follows:

"The lands, when placed upon the market, shall be sold in the county or land district in which it is situated, by such authority and under such system of competition as may be prescribed by said land board; provided, that no person, either in person or by an agent, shall purchase from the State more than one section of land classed as agricultural land, or as watered land, and seven sections of unwatered pasture land; provided, the board may, in their discretion, require the purchaser of any particular section of watered pasture land to take with the same such a number of dry sections as they may designate, not to exceed seven sections; and every attempt to evade the limitation of this act as to the amount or class of land one may purchase, by any device whatever, shall be deemed fraudulent, and the fraud may be shown and the purchase cancelled by the State within one year from the date of sale; provided, that the agricultural lands shall be sold only to actual settlers; and provided further, that no person shall be permitted to purchase more than three sections of six hundred and forty acres within five miles of the geographical centre of any county. No corporation shall be permitted to acquire title to more than one section of land in any one county.

4. That the House recede from the fourth amendment, and leave the land board to regulate the subject.

5. That the House recede from the fifth amendment, for the reason that the subject is provided for in another part of the bill.

6. That the House recede from the sixth amendment, for the reason that it requires one-thirtieth to be paid in the county where the land is sold, and another House amendment requires it to be paid to the State Treasurer, and this amendment we recommend the adoption of.

7. That the House recede from the seventh amendment, for the

reason that it provides that the one-thirtieth paid to the person selling should be returned to the bidder, when it is required to be paid into the treasury.

8. That the Senate concur in the eighth House amendment, after being amended so as to read as follows: Add to section 8, the following proviso, viz: "Provided, that no sale of agricultural land shall be perfected until the proposed purchaser files an affidavit that he intends that the land shall be actually settled within six months; and in case of failure to settle the same within that time, the proposed purchaser shall forfeit the money already paid on the land."

9. That the House amendment be so amended as to read as follows, and that as amended, the Senate concur therein, viz:

SEC. 9. The purchaser shall at once pay to the persons selling for the State, or to the State Treasurer, as the board may determine, and within such time as it may fix, one-thirtieth of the amount bid, and execute his obligation for the remainder of the purchase money, payable to the State of Texas, and binding the purchaser to pay one-thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid purchase money from date, payable annually on or before the first day of March of each year; and, provided, that after the expiration of seven years, the purchaser shall have the option to pay the unpaid principal, and providing that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided, that upon proof of actual occupancy, use and improvements for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid.

10. That the House recede from the tenth amendment, to the end that the land board may prescribe which State officer shall be the custodian of the land notes.

11. That the House recede from the eleventh amendment, so as to leave to the board the power of designating the custodian of the notes, etc.

12. That the Senate concur in the twelfth amendment, so as to insert after the word, "interest," the words, "upon the notes," in line 1, in section 13.

13. That the Senate concur in the thirteenth amendment, after changing its language so as to read as follows: Add to section 13 the following proviso, viz: "Provided further, that no patent shall issue to agricultural lands until proof of actual settlement shall be made in such manner as may be prescribed by the board."

14. That the Senate concur in the fourteenth amendment, so as to allow four years instead of two years, to cut timber off of land.

15. That the Senate concur in the fifteenth amendment, providing for protection of timber land in timber contract.

16. That the House recede from the sixteenth amendment, by which the words "build and fence" was stricken out, as those words were intended to give stability to leases.

17. That the Senate concur in the seventeenth amendment, which is intended to benefit actual settlers.

18. That the Senate concur in the eighteenth House amendment, after striking out the words "four sections of land" and insert "four miles," so as to limit the size of pasture fronts on water.

19. That the Senate concur in the nineteenth amendment, made on the third reading to section 4, by striking out "\$3 per acre," and inserting "\$2 per acre" where it occurs the second time in the section.

20. That the Senate concur in the twentieth amendment, by adding a proviso to section 9, requiring written powers of attorney in certain cases.

21. That the House recede from the twenty-first amendment, prescribing procedure of forfeiture in order that the board or law officers of the State may regulate it.

JOHN YOUNG GOOCH,
B. GIBBS,
W. R. SHANNON,
J. R. FLEMING,
A. L. MATLOCK,
Senate Committee.
L. L. POSTER,
W. J. CAVEN,
J. N. BROWNING,
JAS. R. ROBINSON,
J. M. MOORE,
House Committee.

Senator Gooch moved to adopt the free conference report.

Adopted by the following vote:

YEAS—19.

Evans,
Farrar,
Fowler,

Houston,
Johnson of Collin,
Johnston of Shelby,

Matlock,
Peacock,
Perry,

Getzendaner,
Gibbs,
Gooch,
Harris,

Jones,
King,
Kleberg,

Pfeuffer,
Shannon,
Traylor.

NAYS—5.

Davis,
Fleming,

Martin,
Patton,

Pope.

The following reasons were assigned for vote cast on the adoption of the report of the free conference committee on Senate bill No. 267, "land bill."

We vote "aye" for the land bill for the reason that we see no chance to pass a better law during the present session. We do not approve of the bill in many of its most important features. It is, in our opinion, neither a good sale or lease bill, on account of the many restrictions placed upon it, and we cannot see how the school fund is to be materially benefited by the bill. The main consideration that induces us to vote for this bill is that it protects the actual settlers who have heretofore or may hereafter settle on the school lands, and enable them to obtain cheap homes on long time and reasonable terms.

A. J. MATLOCK,
W. R. SHANNON,
W. A. EVANS.

I vote "no" for the following reasons:

1. Because I do not believe that the Commissioner of the General Land Office nor any board should be invested with the right to control the sale of school lands. The law alone should do so.

2. Because the minimum price has been placed so high as to amount to a virtual prohibition of the sale of the land.

3. Because if any lands are sold at the prices named, it will be only the best and most desirable tracts, and the poor and worthless lands will be left in an unsalable condition.

4. Because the method of classifying and advertising the land for sale is expensive, impracticable, and will tend to prevent the sale of the land.

5. Because I am opposed to the leasing system, as I believe it will retard the settlement of the frontier.

6. Because I believe the act of 1879, as amended by the act of 1881, with one or two amendments, which ought to be made, is much the better law.

J. R. FLEMING.

Senator Fowler moved that the House be requested to return Senate bill No. 69, "An act to amend article 1134 of the Revised Statutes of the State of Texas, and to add article 1134a, requiring county judges now in office to give official bonds."

Adopted.

Senator Gibbs moved to suspend the regular order of business and take up Senate bill No. 72, "An act to be entitled 'an act amending articles 3176 and 3179, Revised Statutes, providing a lien for sub-contractors and laborers.'"

Adopted, and bill taken up, read second time, with majority and minority reports.

Senator Gibbs moved to adopt the minority report.

Senator Davis moved to postpone indefinitely.

Senator Gooch moved the previous question.

Motion seconded, and main question ordered.

Senator Davis' motion to postpone indefinitely adopted by the following vote:

YEAS—14.

Davis,
Fowler,
Getzendaner,
Gooch,
Harris,

Johnston of Shelby,
King,
Kleberg,
Martin,
Patton,

Peacock,
Perry,
Pfeuffer,
Traylor.

NAYS—7.

Farrar,
Fleming,
Gibbs,

Johnson of Collin,
Jones,
Matlock,

Shannon,
Stratton.

Senator Matlock moved to suspend the regular order of business and take up House bill No. 42, "An act to amend chapter 4, title 93, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4610a."

Adopted, and bill taken up.

On motion of Senator Gooch, unfavorable report of committee was adopted and the bill lost.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, April 7, 1883.

Mr. President:

I am instructed to return to your honorable body for further consideration, as expressed in a request from the Senate, House bill No. 69, "An act to amend article 1134 of the Revised Statutes, and to add article 1134a, requiring county judges now in office to give official bonds."

Respectfully,

J. W. BOOTH,
Chief Clerk.

Senator Harris called up House bill No. 528, "An act to create a land board, with authority to investigate alleged land frauds, and to authorize the institution of suits in the name of the State to annul purchases in certain cases illegally and improperly made under 'an act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, approved July 8, 1879,' and 'an act amendatory thereof, approved April 6, 1881.'"

The bill was taken up out of regular order and read the third time.

Senator Kleberg moved the previous question on the passage of the bill.

Motion seconded, and

The main question was ordered.

The bill passed.

Senator Davis moved to take up out of its regular order Senate bill No. 340, "An act to authorize suits against officers of the executive departments, and to fix the venue of the same."

The Senate refused to take up the bill.

Senator Davis moved to reconsider.

Motion adopted, and bill taken up, read second time, with majority and minority reports.

Senator Stratton moved the adoption of the minority report.

Senator Terrell moved a call of the Senate.

Call seconded.

Roll called. Absent, Senator Pope.

The pending business went to the table under the call of the Senate.

The President signed substitute House bill No. 521, "An act to amend article 4462 of the Revised Civil Statutes of the State of Texas."

Senator Fowler moved to suspend the regular order of business and take up House bill No. 69, "An act to amend article 1134 of the Revised Statutes, and to add article 1134a, requiring county judges now in office to give official bonds."

Adopted, bill taken up, read third time and passed.

Senator Chesley moved to suspend the regular order of business and take up House substitute for Senate bill No. 157, "An act to amend section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 4264, and to repeal article 430, of chapter 5, title 13, of the Penal Code, for the protection of fish and game,' approved March 15, 1881."

Adopted, and bill taken up, read second time and passed to third reading.

Senator Martin offered the following amendment:

Amend by striking out "Falls county," from the list of exemptions.

Senator Farrar offered the following amendment:

Amend by striking out Navarro county from the exemptions.

Accepted, and amendment, as amended, adopted.

Senator Shannon offered the following amendment:

Amend so as to exempt Parker, Tarrant, Wise and Jack from the provisions of the game law.

Adopted, and bill passed to its third reading.

Senator Martin moved to suspend the regular order of business and take up House bill No. 466, "An act to amend article 795, chapter 17, of the Penal Code, providing for the protection of creditors of the estates of deceased persons."

Adopted, bill taken up, read second time, and passed to its third reading.

On motion of Senator Matlock, Senator Pope was excused, on account of sickness.

Senator Getzendaner moved to suspend the regular order of business and take up substitute House bill No. 456, "An act to fix the fees of the Department of State and require the collection of the same." Adopted, bill taken up, read second time and passed to its third reading.

Senator Getzendaner moved to suspend the rules and place bill on its third reading.

Adopted by the following vote:

YEAS—20.

Davis,	Harris,	Patton,
Evans,	Johnson of Collin,	Peacock,
Farrar,	Johnston of Shelby,	Perry,
Fowler,	King,	Shannon,
Getzendaner,	Kleberg,	Stratton,
Gibbs,	Martin,	Traylor,
Gooch,	Matlock,	

NAYS—1.

Chesley.

Bill read third time and passed.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 528, being "An act to create a land board with authority to investigate alleged land frauds," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Traylor, for Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred substitute House bill No. 352, entitled "An act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays branded with the county brand in the counties to which the county brand may belong" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments: In section 6, strike out "when his fee is paid;" also, strike out the word "double," in same section.

All of which is respectfully submitted.

TRAYLOR Acting Chairman

Bill read first time.

On motion of Senator Gooch, the Senate adjourned until 10 o'clock a. m. Monday.

SEVENTY-SECOND DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, April 9, 1883.)

The Senate met pursuant to adjournment.

The President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Traylor, the reading of Saturday's journal was dispensed with, and the same adopted.

On motion of Senator Farrar, Senator Houston was excused for the day on account of sickness in his family.

The President gave notice of signing the following bills:

House bill No. 69, "An act to amend article 1134 of the Revised Civil Statutes of the State of Texas, and to add article 1134a, requiring county judges now in office to give official bonds."

House bill No. 34, "An act to amend article 186 of the Penal Code."

Senate bill No. 323, "An act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884."

House bill No. 485, "An act for the relief of Alsey S. Miller, Milburn Harrall and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the Dawson massacre," by granting to each one of them a certificate for 1280 acres of land."

Senate bill No. 347, "An act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879."

Substitute House bill No. 225, "An act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State engineer and his secretary, and their salaries and duties," etc.

Substitute House bills Nos. 28 and 163, "An act to restore to and confer upon the county courts of Comanche, El Paso, Presidio, Pecos, Tom Green and Hidalgo counties, the civil and criminal jurisdiction heretofore belonging to said courts, under the Constitution and general statutes of the State, and to conform to the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

Senate bill No. 125, "An act to amend section 1 of an act entitled 'an act to provide for the traveling and other contingent expenses of the quartermaster and commissary of the frontier battalion,' approved May 4, 1874."

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, April 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 425, entitled "An act to provide for the dissolution of attachments," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 79, entitled "An act to regulate attachments in certain cases, and to provide for the distribution of the proceeds of property sold under judgment in such cases," have carefully examined the same and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 363 entitled "An act to amend article 1005 of the Revised